

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JUAN HERNANDEZ,

Plaintiff,

01 Civ. 9585 (SHS) (DFE)

- against -

MEMORANDUM AND ORDER

GLEN S. GOORD, et al.,

Defendants.

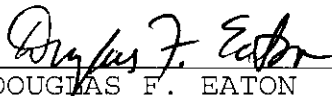
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DOUGLAS F. EATON, United States Magistrate Judge.

By letter to Judge Stein dated July 28, 2009, Mr. Hernandez requested a settlement conference "as soon as possible," and said that his monetary "requests will be within the reach of the defendants' counsel."

On September 2, 2009, Judge Stein issued a new Order of Reference to me. In a Memorandum and Order dated September 14, I wrote: "I direct Mr. Hernandez to mail copies of his settlement demand to me and to Mr. Nowve by September 25, 2009." Today, I received a letter from Mr. Hernandez dated September 26. Essentially, he makes the dubious assertion that he will not be able to make a settlement demand until he gets to the law library, which will be on October 2 at the earliest. He also requests that he be placed in Federal custody in the interim; I deny that request.

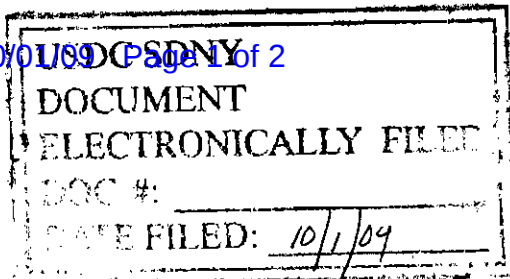
I direct Mr. Hernandez to mail copies of his settlement demand to me and to Mr. Nowve as soon as he receives today's order, regardless of any excuses, including whether he has been to the law library. Failure to comply with a court order can result in monetary sanctions and/or dismissal of a civil lawsuit. Mr. Nowve's ex parte letter to me is due three business days after he receives Mr. Hernandez's settlement demand. I direct Mr. Nowve to make arrangements with my chambers and with Auburn Correctional Facility to reschedule the settlement conference.

I direct the Docket Clerk to note plaintiff's new address.


DOUGLAS F. EATON

United States Magistrate Judge

Dated: New York, New York
September 30, 2009



Copies of this Memorandum and Order are being mailed to:

Juan Hernandez, # 94-A-5040
Auburn Correctional Facility
P.O. Box 618
Auburn, NY 13024
Legal Mail

Donald Nowve, Esq.
Assistant Attorney General
State of New York
120 Broadway
New York, NY 10271-0332

Hon. Sidney H. Stein

COPY MAILED / FAXED TO:

COUNSEL FOR PLTFF(S):

COUNSEL FOR DFT(S): ☒

PLTFF PRO SE: ☒

DFT. PRO SE: ☐

DATE: 10/1/01

BY: SH